

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

Amended 2/9/15

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 22nd day of December 2014 A.D. at 7:00 p.m.

President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

**Roll Call: Denise M. deMedeiros - President Jay J. Lambert Peter A. Mello
Joan B. Chabot – Vice President Brett N. Pelletier David Perry
Joseph R. Sousa**

Town Administrator, Matthew Wojcik and Town Solicitor, Andrew M. Teitz were also present.

PRESENTATION BY HONORABLE REPRESENTATIVE JOHN G. EDWARDS

Council President deMedeiros introduced Honorable Representative John G. Edwards and Senator Walter S. Felag, Jr, who have been giving grants to the Senior Center for several years. Representative Edwards presented a check for \$3,000 to Senior Center Director Janice Gomes on behalf of himself and Representative Dennis Canario. Senator Felag, on behalf of the other local legislators for Tiverton presented Ms. Gomes with a check for \$2,000. Ms. Gomes thanked them all for the continued support.

Approval of Consent Agenda:

All items listed with “(CA)” are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President deMedeiros read the items on the Consent Agenda. Councilor Perry requested removal of item CA6, Town Treasurer Denise Saurette – Distribution of Standard and Poor’s Bond Rating Report.

Councilor Lambert motioned, seconded by Councilor Perry to approve the rest of the Consent Agenda.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

a. No Minutes Available for Review

A-2-Receipt of Minutes from the Following Boards, Commissions:

a. Zoning Board of Review

c. Historic Preservation Advisory Board (2)

b. Economic Development Commission

d. Board of Canvassers (4)

A-3-Correspondence – Receive and File:

a. Resolutions by Town Councils of Scituate, Portsmouth, East Greenwich and Foster, Opposing Adoption of RhodeMapRI Planning Proposal

A-4-Distribution of Approved List for Council Liaisons to Boards and Commissions

A-5-Town Treasurer Denise Saurette – Distribution of November Budget and Revenue Reports

A-7-Town Administrator – Distribution of Overtime Report for Fire and Police Department

A-8-Distribution of Town Council Governance Policy

A-9-Approval of PAYT Trash Bag Holiday Allowing Two (2) Non-PAYT Trash Bags on Trash Pickup During the Week of December 26th Through January 3rd Only

BUSINESS BROUGHT BEFORE THE COUNCIL

A-6-Town Treasurer Denise Saurette – Distribution of Standard and Poor’s Bond Rating Report

Councilor Perry brought this topic up two meetings ago, would like more explanation from the Treasurer. The Treasurer gives a host of documents to Standard and Poor (S&P) as part of a rating assessment. There are multiple quantitative factors like Town Government, how the budget is set, the Financial Town Referendum, demographics of the Town as related to others. Little Compton and Portsmouth were rated AAA, Tiverton's bond rating is AA. Discussion with Steve Maceroni, Financial Advisor from PFM, Inc. and Administrator Wojcik showed concern about removal of funds from the General Fund balance. If going below 3% has to go before Council, rating includes weak budgetary flexibility, page 2 of the report. Councilor Perry opined, should not try this again, rating will not be the same. Treasurer Saurette discussed some tables, a strong fund balance is rated, 8-15, the Town is in the 4-8 range, very close to 4. If falling below will affect the rating negatively, Charter says 3%. Councilor Sousa questioned the debt percentage. Treasurer Saurette did not have actual numbers, not close to the max, can borrow \$56 million based on State guidelines. Councilor Lambert noted another consequence on page 3; RI General Laws limit the tax levy, Councilor Perry's point well taken.

Councilor Perry made a motion, seconded by Councilor Chabot to accept A6, Town Treasurer Denise Saurette – Distribution of Standard and Poor's Bond Rating Report. Motion passed unanimously.

A-10-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

1. Barbara Pelletier

a. Signage Permits for Farm Stands

b. Distribution and Brief Explanation of Tiverton's Native American Heritage

Mrs. Pelletier, in an effort to advance farm stands, proposed amending the sign ordinance. People complain about no conformity with the signage law. Applied for a RI Foundation Innovation Grant, asked for \$8,000 for Tiverton and Little Compton. Mrs. Pelletier requested that to be part of another meeting. Mrs. Pelletier may also be able to obtain funding from Discover Newport. Councilor Sousa thought this to be a regular agenda item, had some ideas to add. Solicitor Teitz explained has been past policy for Council not to discuss items in the public forum and should not act or respond, recommend adding to the agenda for discussion. Mrs. Pelletier requested to be on this part of the agenda.

Councilor Sousa made a motion, seconded by Councilor Pelletier to add to the agenda for discussion Barbara Pelletier, Signage Permits for Farm Stands. Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor Sousa to add for discussion as item G2, New Business, Barbara Pelletier, Signage Permits for Farm Stands.

G-NEW BUSINESS:

2. 1.Barbara Pelletier a. Signage Permits for Farm Stands

Councilor Sousa had spoken to Mrs. Pelletier about this topic, agreed there should be a way for local farms to advertise, maybe sandwich board signs. Should be a mechanism in the sign ordinance for those and special signs as well. Want farms to be solvent, will put on the next meeting with a little more backup. Solicitor Teitz explained, will have to go to the Planning Board, can refer that now.

Councilor Sousa made a motion, seconded by Councilor Pelletier to refer the suggestion from Barbara Pelletier on Signage Permits for Farm Stands to the Planning Board and request they put on an agenda for discussion. Mrs. Pelletier had ideas for designs that can go into the landscape. Councilor Sousa explained to Mrs. Pelletier this is the first step to make. Motion passed unanimously.

Councilor Pelletier noted the sign ordinance was not discussed, these signs may be prohibited. Solicitor Teitz noted most farms are in residential zones, have worked on this in other communities. Councilor Pelletier added the Land Use Improvements ad hoc committee has met twice recently, has been a topic of conversation.

b. Distribution and Brief Explanation of Tiverton's Native American Heritage

Mrs. Pelletier had provided the final draft on the settlers of Tiverton; hope to have in a timeline by next spring.

Councilor Chabot made a motion, seconded by Councilor Sousa to take item C1, Tiverton Sun, 497 Main Road - Request Tobacco License – Subject to Meeting All Legal Requirements out of order. Motion passed unanimously.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:

1. Tiverton Sun, 497 Main Road - Request Tobacco License – Subject to Meeting All Legal Requirements

George Mitri, owner of Tiverton Sun requested a Tobacco License. Town Clerk Mello did not have any issues, would not be issued without meeting legal requirements.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve the Non-Advertised Tobacco License to Tiverton Sun, 497 Main Road, subject to meeting all legal requirements. Motion passed unanimously.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

James Camara, Chair of the Personnel Board (the Board), congratulated all on the election. The purpose here tonight was to make the Council aware of how the Board conducts business and the integrity of the Board. Heard and read comments about alleged procedures. The Board is tasked with accepting and reviewing job applications, recommending the top 3 to the Town Administrator (T/A). Take the responsibility very seriously to recommend qualified and suitable applicants. Starts with a good ad with job responsibilities, requirements. Those who meet the requirements will get an interview no matter how many there are. In all cases for Town employee interview, the Department Heads are invited in case the applicant has questions, nothing new, have done this for years. Use an evaluation form to rate the applicants from 1-5 based on education, experience, qualifications, job knowledge, presence and suitability. Move forward by a majority vote of the Board the 3 best applicants. In the past have submitted an alternate only to be contacted if one of the top three does not respond. That practice has since stopped. Conduct all meetings the same way for all positions, the Board is non-political, unbiased, always make sure there is a quorum. This past year had almost 40 meetings, now at full staff, have a quorum at every meeting. Read articles about alleged errors in procedures; Board concerned about public perception. Look at the applications, each one given a number. Mr. Camara thanked the Council for the opportunity to speak. President deMedeiros thanked all the people on the Board, witnessed firsthand the interviews for the T/A. Councilor Perry, as a prior member of the Board thanked Chairman Camara personally. The Chair has been on this board for a number of years, does have a lot of integrity.

D-APPOINTMENTS & RESIGNATIONS:

Resignations

1. Donna Cook, Hilton Street – Juvenile Hearing Board

Councilor Pelletier made a motion, seconded by Councilor Perry to accept the Resignation of Donna Cook from the Juvenile Hearing Board. Motion passed unanimously.

2. Natalie M. Cote, Leger Lane – Conservation Commission

Councilor Perry made a motion, seconded by Councilor Pelletier to accept the Resignation of Natalie M. Cote from the Conservation Commission. *Motion passed unanimously.*

Appointments

3. Jeffrey M. Belli, 2 Birch Street – Recycling Committee

Mr. Belli had served on the Budget Committee, can help with this Committee. Has individually been looking into larger recycling bins, seen in other communities, recalled Middletown received a deal on their bins. Councilor Pelletier clarified, the recycling refund goes into a restricted fund, not the General Fund.

Councilor Lambert made a motion, seconded by Councilor Perry to Appoint Jeffrey M. Belli to the Recycling Committee. Motion passed unanimously.

4. Economic Development Committee – One Unexpired Term to 7/15/2017

a.Renee deJesus-Jones, 161 Highland Road

b.Tom Principe, 490 Riverside Drive

Town Clerk Mello explained, office staff received a call Mr. Principe was unable to attend this meeting due to the holidays. Council proceeded; some had questions for Mrs. deJesus-Jones. Councilor Perry asked what she would bring to this committee. Mrs. deJesus-Jones would look at this with new eyes, can look at and diagnose a problem, interested in a lot of different areas. Would develop the Industrial Park and smaller businesses. Councilor Lambert did not agree with everything, questioned if she would support a hotel/conference center in Tiverton. Mrs. deJesus-Jones would need to see the numbers, the Comp Plan.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Appoint Renee deJesus-Jones to the Economic Development Committee for an Unexpired Term to 7/15/2017 and send to Mr. Principe a letter thanking him, see if interested in another board. The motion passed on a vote of 6-1, Councilor Lambert opposed.

5. Appointment to Vacant Budget Committee Position

a.Louise Durfee, 262 Highland Road

b.James O'Dell, 130 Warren Avenue

Councilor Peter Mello opined should be picking someone who actually participated in the election. Ms. Durfee, as shown in her resume, was a past Council president, served on and off since 1968. This committee will be a difficult assignment faced with a \$600,000 deficit before sitting down, will be a tough year. Mr. O'Dell has attended almost every Budget Committee (BC) meeting, will be extremely challenging. Facing repairs at the High School and Middle School, bond payments. Means a 4-6% tax increase. President deMedeiros questioned if the Council wanted to wait and appoint at the next meeting, consensus was to appoint now.

Councilor Sousa made a motion to appoint John Martin to the BC. President deMedeiros reminded it was a majority vote of the Council to advertise and Mr. Martin did not apply. The motion was seconded by Councilor Chabot, discussion followed. Solicitor Teitz explained the Council did have a vote which absent any vote to reconsider from one of the majority who voted to advertise, the Council provided notice, and names of those who applied are on the agenda. It is out of order to consider, would be a violation of the Open Meetings Act to consider someone whose name isn't here. Don't have to pick anyone tonight, can postpone and could reconsider if Council so wished. Council actions currently would make that motion out of order. Town Clerk Mello did email Mr. Martin, received no response and also emailed a Councilor to check back with Mr. Martin.

Councilor Lambert nominated Louise Durfee to the Vacant Budget Committee position. Seconded by Councilor Pelletier the motion passed on a vote of 4-2-1, Councilors Perry, Lambert, deMedeiros and Pelletier in favor, Councilors Sousa and Chabot opposed, Councilor Peter Mello abstained.

6. HarborMaster – Appointment to December 31, 2015

a.Tyler Loomis, 89 John Duggan Road

Administrator Wojcik explained Mr. Loomis has done a good job, has been fiscally responsible for a young man. Has administered the moorings well, has done a commendable job, recommend reappointment.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Reappoint Tyler Loomis to an additional one year term to December 31, 2015 as Harbormaster. Motion passed unanimously.

E-UNFINISHED BUSINESS:

1. Draft RFP for Town Solicitors – Authorization to Advertise

a.General Services – Town Solicitor b.Labor Services c.Legal Services – Land Use

Administrator Wojcik made the edits requested by Councilor Pelletier at the last meeting. Added verbiage in number 6, Land Use, criteria to judge the applicant's expertise in land use. Much of this remained as drafted. T/A Wojcik set a date for returns on the draft, is aggressive. Town Clerk Mello noted this would depend on where this

will be advertised, will follow the same process as before, get copies to Council as soon as possible. Will set the return date for 3 weeks once advertising can get in the newspaper. Councilor Lambert questioned the Clerk on the cost of the advertising. The Clerk estimated this to be several thousand dollar, depends on where it is advertised. Should be up to the Administrator. T/A Wojcik noted, has to be advertised in one newspaper of general circulation, will also publish with the ABA. Solicitor Teitz will continue with the existing fee arrangement within a reasonable period of time. President deMedeiros called for Council comments at this time.

Councilor Chabot questioned the T/A, added number 6, more concerned, thought it would be similar to number 5. The last line says the Town Solicitor providing general legal services to the Town thus must have commendable experience working with land use issues in the Rhode Island and municipal court system and before administrative bodies. Very strong wording, not sure why is has must have versus nice to have. T/A Wojcik responded are many issues in this area including those with street acceptance, like to have someone who is familiar with acceptance of streets, abandonment of rights. Looked at the litigation activity report, most driven by zoning and land use matters. Councilor Chabot agreed, many issues around zoning, Opined Solicitor Teitz has been solicitor for 10 years, has not helped the Town, may have gotten into more trouble. If a firm met all the requirements that's better. Planning Board needs to step up, have issues with subdivisions, do not agree this is a must have. Administrator Wojcik noted, is a Council decision, is one of the most expensive personnel decisions to make. T/A Wojcik did not feel too strongly about the wording, suggested using a score card including these 6 categories and establish a point system. Does feel this area of expertise is important. Councilor Pelletier was looking in a different direction, considered any zoning change, alteration to the Comp Plan or large scale issues, extremely important to have a Solicitor who has an understanding of land use.

Councilor Sousa wanted all applicants to come forward, can learn as they go, have other professionals qualified. Councilor Pelletier liked the substance of number 6; wording was not a deal breaker. Only wants to take advice by the Solicitor and not someone who is going to wing it. President deMedeiros called for other wording suggestions. T/A Wojcik suggested changing must have to it is preferred the Solicitor have land use experience, just that last sentence would change. By request the T/A repeated that sentence- It is preferred the Town Solicitor providing general legal services to the Town have commendable experience working with land use issues in the Rhode Island and municipal court system and before administrative bodies. Councilor Lambert would accept the RFP as a form but will not vote to authorize to advertise since all solicitors' work at the will of Council and does not feel the need to advertise.

Councilor Perry made a motion, seconded by Councilor Pelletier to approve the changes to the form for Town Solicitor General Services. Motion passed unanimously.

Councilor Perry made a motion, seconded by Councilor Chabot to approve the Legal Services – Land Use and Labor Services. Discussion followed. Councilor Pelletier questioned if by approving it meant the Council liked it. President deMedeiros explained this would be just to approve the form, not saying send it out. Councilor Pelletier questioned the meaning of approves. The motion passed on a vote of 6-0-1, Councilor Pelletier abstained.

Councilor Perry made a motion to advertise all 3, General Services, Labor Counsel and Land Use Legal Services. Seconded by Councilor Sousa, discussion followed. Councilor Sousa questioned if the current people could apply. President deMedeiros affirmed they could apply. Councilor Lambert commented based on this evening the Council would be going out to advertise every 2 years. Councilor Lambert's concern, talking about 3 advertisements, has no reason or need to look for other Counsel, can fire legal counsel at any time. Councilor Perry questioned when the last time these services went out for bid and how does the Council know if there is something better out there. Won't know until the interviews, might save the Town some money. Councilor Sousa agreed, won't know until the Council compares. Councilor Lambert agreed with the concept if other boards and commissions were complaining, not hearing any, have no reason to believe will get better services. Councilor Chabot voted against the contract for the Solicitor two years ago, was not happy with some things, was displeased with the level of service. Should get other bids, review qualifications, may get someone better

qualified for a better price, not satisfied with the level of services. Solicitor Teitz appreciated Councilor Lambert's support, disagree with the comments from Councilor Chabot, do support Councilor Perry's request to go out for bid. Feels makes sense to go out to bid at certain times, maybe not every two years. Happy to know can apply, do support this as well, when looking at as totally disinterested, does make sense. Thanked Councilor Lambert for the support. The motion passed on a vote of 5-2, Councilors Lambert and Pelletier opposed.

F-FINANCIAL BUSINESS:

There were no agenda items for Financial Business.

G-NEW BUSINESS:

1. Councilor deMedeiros – Discussion and Possible Scheduling of Workshop with Zoning, Planning and Economic Development

President deMedeiros proposed scheduling a workshop with Zoning, Planning, EDC and would like to add Conservation as well. Can discuss concerns anyone has, will be a general discussion on where the Town is going. The ad hoc Land Use Improvements Committee (LUPE) is meeting on January 19 perhaps they could put together an agenda. Other suggested dates were February 17 or 24; Town Clerk Mello will have to email these boards for availability. Councilor Sousa wanted to see an agenda, President deMedeiros explained it would be an open conversation about developments in Town and other issues. Councilor Sousa wanted to make the meeting productive. Councilor Lambert noted Councilor Mello had a good suggestion; each board put a list of items together. Councilor Chabot would like to know more about this as well. T/A Wojcik explained this would be part of a larger recommendation. The LUPE Committee has recommended a set of Municipal Court rules to the Judge, will be doing the same for the Zoning Board the meeting on January 19. Decision making is helped by rules of procedure. Councilor Pelletier agreed, issues are complex, need some sort of framework for a productive conversation. President deMedeiros was looking for additional input, requested the Town Clerk email those boards mentioned to see what they would like on the agenda, is a way to open lines of communication. Councilor Sousa noted some issues plague small businesses, some businesses pre-existing non-conforming uses.

President deMedeiros called for a motion to have a special meeting/workshop with Zoning, Planning, Economic Development and Conservation for the week of February 16 or 23. Town Clerk Mello clarified would be contacting the Chairs, Jodi and Kate for a consensus for a date and to come up with ideas. Councilor Pelletier noted the calendar; those boards may not have enough time to put on the January agenda. Town Clerk will email them as soon as possible, may have something for the next agenda.

Councilor Lambert so moved the above, seconded by Councilor Perry passed unanimously.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Janice Gomes, Senior Director – Request Permission to Waive Bid Process for MySeniorCenter Computer System and Award

Janice Gomes, Senior Center Director explained the request to waive the bidding process for a statistical software computer system; MySeniorCenter is on the State bid list under SHI. Councilor Sousa requested clarification from the Solicitor, could not do this for a different item on the last agenda. Solicitor Teitz explained, this vendor is on the State Bid list, is for a unique item for programming. Ms. Gomes explained the cost would be \$10,000, was budgeted. Will include scan cards for log in, lessens the data entry, just for people using the Senior Center, tracks activities, volunteers and everything for you. T/A Wojcik noted very important when applying for grants, includes a maintenance agreement.

Councilor Pelletier made a motion, seconded by Councilor Chabot to grant permission to Waive the Bid Process for MySeniorCenter Computer System and Award the bid to SHI of Somerset, NJ. Motion passed unanimously.

2.DPW Director Berlucchi – Request Permission to Advertise for Design and Fabrication Services for Main Road/State Road Town Line Sign

DPW Director Berlucchi explained the original Town line sign was hit by a car, pursued an insurance claim, received \$5,310 being held in a reserve account. Have enough to go out for bid to design and fabricate a sign. Looking for some sort of artistic expression. Not a big project may have to rebuild the island that protected it. Councilor Mello suggested using a local business. Councilor Perry suggested asking the School Department if they could work on this project. Director Berlucchi was not sure about the materials or the structure, some fabrication is involved design wise. President deMedeiros agreed could see if the School Department was interested. Director Berlucchi will work with Sally Black, School Committee Chair, may have something for the next meeting. Solicitor Teitz suggested either tabling or continuing this to the next meeting.

Councilor Perry made a motion, seconded by Councilor Pelletier to continue the request to Advertise for Design and Fabrication Services for Main Road/State Road Town Line Sign to the next meeting. Motion passed unanimously.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. T/A Wojcik announced the Pay As You Throw (PAYT) Trash Bag Holiday will continue this year. Resident may include up to 2 non PAYT trash bags on their normal trash pickup day during the week of December 26-January 3 only.
2. The Christmas Tree Recycling Program will be during the weeks of January 5-9 and January 12-16, put out on the same day as regular trash pickup. Trees will be mulched, made available free to Town residents at the entrance to the landfill.
3. Solarize Tiverton was established by the State as the administrative conduit for renewable energy. Went through a bid process to choose installer exclusivity within this program. SolePower was awarded the bid, will be for Little Compton and Tiverton. It is an initiative supported by the Federal Government, for western or southern exposures. Base cost approximately \$13K, after rebates about \$9K, payback 2-3 years for commercial, 7-8 for residential. Call the T/A office with any questions.
4. Code Red is fully operational, can sign up on the website, helps with communication in an emergency. Have not activated it yet, there is a policy in place for implementation.
5. Approaching budget season, preparing the document. Have many issues with capital assets, structures, public safety departments. Items need to be prioritized on what is necessary to run the Town. Have the library bond, school needs, roof for the Town Hall. Need to make the capital decisions.
6. Came to the T/A's attention comments made at a recent Planning Board meeting about the T/A meeting with applicants. Respectfully disagree with Ms. Durfee's perspective. If someone comes to Town Hall asking for information that is publicly available, try to provide that service or the guidance they are seeking.

Councilor Sousa, relative to the budget process, did not want to see more than a 2% increase. T/A Wojcik will be making recommendations, will try to present a 5 year forecast. Starting to get to the very basic level of services. Growth is the strongest solution.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Perry noted the Budget Committee was lacking a Chair to call for a meeting. Solicitor Teitz explained generally the most senior member of that committee could however the Town Clerk has the authority to call that meeting. Town Clerk Mello will send an email.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1.RIDEM Notice of Intent to Enforce – Water Pollution Violation Against William C. and Deborah A. McLaughlin, 1640 Fish Road

Solicitor Teitz explained this was for Council information, is a copy of a Notice of Intent to enforce from DEM, regards a long time dispute. Also request this item be added to Executive Session for discussion purposes.

2. Bay Street Area Moratorium

a. Status Report on Cleanup – Exhibit A b. Vote on Extension of Moratorium to June 30, 2015

Solicitor Teitz explained Exhibit A is a list of properties remediated, great pleasure to announce finally turning a corner. Exhibit A is a list of properties remediated by definition, some are clean, some have RIDEM letters of compliance, some have remedial action and some have environmental land use restrictions. Based on the memorandum of agreement and the settlement agreement the plan was to do on a block by block basis. Several documents have been recorded as seen by the date in the right hand column. Asking for a motion to extend the moratorium which is really to take the proper precautions when excavating. The motion will be excepting those properties listed on Exhibit A so these properties would not be subject to the moratorium. DPW Director Berlucchi wanted to reiterate that Bay Street to the Fall River line belongs to RIDOT, the State legislature accepted that roadway as part of the State highway system in 1935. Question is can you place a moratorium on State property? Solicitor Teitz responded to whatever extent we can, have always done. At some point they will have to deal with the unpaved portions and right of way.

Councilor Pelletier made a motion to Extend the Moratorium in the Bay Street neighborhood to June 30, 2015 exempting those specific properties listed in Exhibit A attached hereto. Going into the 11th year with this. Seconded by Councilor Chabot some discussion followed. Councilor Sousa questioned if someone would be able to put in a septic system provided they follow the contamination rules. Solicitor Teitz explained they would have to have the soil tested unless already remediated, an environmental engineer present, have to handle the contamination very carefully. Bob Hoffman is under contract to the Town and the Bay Street Neighborhood Association, has a portable analyzing machine. Councilor Chabot questioned the number of outstanding properties. Town Clerk noted there were 24 on this list, believed there were 84 altogether. Motion passed unanimously.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk Mello, noted on the Consent Agenda, the distribution of the Town Council Governance policy. Regarding licensing the Town Clerk explained some businesses have difficulty meeting the tax and State law requirement. Licenses are subject to meeting all legal requirements including taxes paid, zoning certificates, fire, building and Police inspections. The issue with some occurs when the owner of the building, real estate taxes not paid, tangibles' are paid. Some struggle to pay the real estate taxes. Would have to come before the Council for a show cause hearing. Not asking for a vote, just to consider, may put on a future agenda. Do get every penny from the interest, Town protected by that and the tax sales. Solicitor Teitz did not have a problem with the Council changing policy to say real estate taxes not included, was of the understanding this has been the policy up to now. Councilor Pelletier questioned the impacts. Town Clerk Mello explained at least 4 came in to pay, in this one case the tangible was paid but the real estate was not. On December 1 this could have happened to a number of businesses. Those not meeting the requirements are not getting licenses issued, will be bringing them in on a show cause for operating without a license.

Added to Closed Executive Session for discussion purposes only.

Councilor Pelletier made a motion, seconded by Councilor Lambert to add RIDEM Notice of Intent to Enforce – Water Pollution Violation against William C. and Deborah A. McLaughlin, 1640 Fish Road to the Closed Executive Session agenda for discussion purposes only. Motion passed unanimously.

CLOSED EXECUTIVE SESSION:

1. Solicitor – Litigation-42-46-5(a) (2)–Shane T. Donnelly v. Tiverton, RI District Court CA-14-625

2. Solicitor – Litigation – 42-46-5(a) (2) – Faulkner v. Town of Tiverton

3. Solicitor – Litigation - 42-46-5(a) (2) - Litigation - Quarterly Litigation Report

4. Solicitor – Litigation – 42-46-5(a) (2) - Discussion of All Pending Litigation

5. Solicitor – Potential Litigation – 42-46-5(a) (2) – Zoning Board

6.K1.RIDEM Notice of Intent to Enforce – Water Pollution Violation Against William C. and Deborah A. McLaughlin, 1640 Fish Road

Councilor Lambert made a motion, seconded by Councilor Pelletier to enter into Closed Executive Session pursuant to 42-46-5(a)(2)– Litigation -Shane T. Donnelly v. Tiverton, RI District Court CA-14-625. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Pelletier to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Litigation –Faulkner v. Town of Tiverton. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to - 42-46-5(a) (2) –Litigation - Quarterly Litigation Report. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to – 42-46-5(a) (2)– Litigation - Discussion of All Pending Litigation. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) - Potential Litigation – Zoning Board. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to the motion made by Councilor Pelletier regarding item K1, RIDEM Notice of Intent to Enforce – Water Pollution Violation against William C. and Deborah A. McLaughlin, 1640 Fish Road moving it into the Closed Executive Session for discussion purposes only. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:35 p.m.

The Council returned to Open Session at approximately 10:50 p.m.

OPEN SESSION:

In Open Session President deMedeiros announced action was taken in Closed Executive Session regarding items #1- Litigation Donnelly v. Tiverton and #5 - Potential Litigation Zoning Board.

No action taken on #2, #3, #4 or #6 – Water Pollution Violation against William C and Deborah A McLaughlin.

Councilor Pelletier motioned to seal the minutes of Closed Executive Session. Seconded by Councilor Peter Mello, passed unanimously.

ADJOURNMENT:

Councilor Pelletier motioned to adjourn, seconded by Councilor Mello, passed unanimously.

Council adjourned at approximately 10:55 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk